

SENATE CHAMBER, }  
AUSTIN, TEXAS, Monday, May 29, 1871. }

Senate met pursuant to adjournment; President Campbell presiding.

President Campbell submitted the following communications from the Governor, stating that they had been delivered to him on Saturday, the Senate not being in session:

GOVERNOR'S OFFICE,  
AUSTIN, May 27, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: I return to the Senate, where it originated, "An act to provide for the relief of the heirs of Andrew Jackson Bryant, deceased." This is a land grant and void under section six of article ten of the Constitution.

Respectfully,

EDMUND J. DAVIS,  
Governor.

GOVERNOR'S OFFICE,  
AUSTIN, May 27, 1871.

Hon. DON CAMPBELL,

President of the Senate.

SIR: I return to the Senate, where it originated, "An act to provide for the relief of the heirs of Charles G. Bryant, deceased. This is a land grant, and void under section six, of article ten, of the Constitution.

Respectfully,

EDMUND J. DAVIS,  
Governor.

Messages read, and, on motion of Senator Ruby, were referred to the Committee on Private Land Claims.

By leave, Senator Shannon withdrew the following bills:

Senate bill No. 8, "An act for the relief of the heirs of Benj. Franklin, deceased."

Senate bill No. 98, an act entitled "An act authorizing and requiring the Commissioner of the General Land Office to issue patent or patents on bounty warrant No. 831."

By leave, Senator Mills submitted the following report of Committee on Contingent Expenses:

COMMITTEE ROOM,  
AUSTIN, May 29, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Contingent Expenses have had the following claims under consideration, and I am directed to report them approved and ordered to be paid:

Calvert Tribune .....	\$50 40
Frank J. Webb.....	92 12
Sampson & Henricks .....	10 00
Wm. Raath.....	12 00
Ephraim Mashack .....	4 00
A. Siemering & Co. ....	10 50
A. Siemering & Co.....	10 50
Austin City Post Office .....	1887 89
Galveston News Office .....	76 44
J. G. Tracy.....	519 10
B. F. Davis.....	128 00
J. G. Tracy .....	254 10
Sampson & Henricks .....	59 50
Duvernoy & Pohlmann.....	15 75
State Gazette .....	54 25
Swante Palm, P. M.....	200 16

Parties having claims are requested to call on the Secretary for their vouchers.

J. S. MILLS,  
Chairman.

Report read and laid over under the rules.

Senator Gaines submitted the following report of Select Committee:

COMMITTEE ROOM,  
AUSTIN, May 29, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Select Committee, to whom was referred the resolution authorizing certain of the officers of the Senate to remain after the recess of this body to complete the unfinished business, beg leave to submit the following report:

Your committee, on examination of the subject, find that there is a large amount of unfinished business to be completed, and are of the opinion that it is the duty of this body to provide for the bringing up of the unfinished business of this session, and not of the Secretary of State, as that officer has already as many duties devolving upon him as he can well attend to, and ought not to be required

to perform duties properly belonging to another branch of the State Government.

Your committee, therefore, report back the accompanying substitute, and recommend its passage, being convinced of the necessity of the expenditure.

MATTHEW GAINES,  
Chairman.

*Resolved*, That the Secretary of the Senate be authorized to remain, with such assistants as are actually necessary, for fifteen days after adjournment, to finish up the work of the session; and that the Comptroller be required to audit the certificates given by the Secretary for such work at the rate *per diem* now allowed the clerks of the Senate, the same to be paid out of the contingent fund of the Senate.

Report and substitute read and substitute adopted.

On motion of Senator Gaines, the resolution was adopted as substituted.

Senator Gaines offered the following resolution:

WHEREAS, Since the discharge of a large number of the committee clerks of the Senate, the duties of the clerk of the Judiciary Committee have been greatly increased, making it necessary for said clerk to work constantly beyond all reasonable hours, therefore;

*Resolved*, That the Clerk of the Judiciary Committee of the Senate be and is hereby allowed, as compensation for extra services performed, an amount equal to one month's pay at the same rate as for other services, and that the Secretary of the Senate issue a certificate therefor.

On motion of Senator Mills, the resolution was referred to the Committee on Retrenchment and Reform.

Senator Bowers offered the following resolution which was adopted:

*Resolved*, 1. That the Journal Clerk of the Senate be required to finish the journal of this Senate up to the date of the recess of this Legislature, compare and affix marginal notes, rule and index the same.

*Resolved* 2. That the Comptroller of Public Accounts is hereby authorized and required to audit the account for the *per diem* pay of the Journal Clerk upon the certificate from the Secretary of the Senate that the work has been performed as required by this resolution; which amount shall be paid as part of the contingent expenses of the present Legislature.

Under direction of the President the Secretary returned to the House enrolled House bill No. 364, entitled "An act for the relief of John Hawkins Brown;" informing the House that the Senate,

upon reconsideration, had passed the same notwithstanding the objections of the Governor.

And transmitting for signature of the Speaker the following enrolled Senate bills:

Senate bill No. 408, "An act to require the Judge of the Eighteenth Judicial District to hold a special term of the District Court of Brazoria county."

Senate bill No. 429, "An act to provide for a special registration of voters preparatory to any election under the provisions of 'an act to authorize counties, cities and towns to aid in the construction of railroads and other works of internal improvement,' approved April 12, 1871, and to declare who shall be considered qualified voters at any election held under the provisions of said act."

Enrolled bills signed by the Speaker, returned to the Senate and signed by the President in open session.

#### MESSAGES.

Message from the House by the Chief Clerk, Mr. Ketchum, transmitting for concurrence the following House bills:

House bill No. 282, "An act to authorize Robert Holmes and others to construct a boom across the Brazos river."

Also, informing the Senate that the House had agreed to and adopted the Senate's amendments to House bills, as follows:

House bill No. 484, "An act to authorize S. J. Slocomb to erect a toll bridge over Brushy creek, in Milam county."

Substitute House bill No. 604, "An act to incorporate the Young Men's Real Estate and Building Association of Tyler, Texas."

House bill No. 681, "An act authorizing the Board of Trustees of the late Blind Asylum to audit the payment of certain accounts, and making an appropriation for the same."

House concurrent resolution No. 9, "Directing the Speaker of the House and the President of the Senate to declare a recess of their respective bodies at 12 M. on Wednesday, May 31, 1871, until Monday, October 16, 1871."

Also, returning to the Senate enrolled Senate bill No. 220, "An act to incorporate the Calvert and Belton Railroad Company," informing the Senate that the House, upon reconsideration had passed the same notwithstanding the objections of the Governor.

And returning to the Senate the following Senate bills which the House had passed without amendments:

Senate bill No. 424, "An act to amend the twenty-fourth section of an act entitled 'an act to give effect to the several provisions of the Constitution concerning taxes,' approved April 22, A. D. 1871."

Senate bill No. 387, "An act to incorporate the Galveston Medical College Hospital."

Senate bill No. 307, "An act to repeal section twenty-nine of 'an act to organize the courts of justices of the peace, and county courts, and to define their jurisdiction and duties,' approved August 18, 1870."

Senate bill No. 160, "An act to incorporate the Galveston Agricultural, Horticultural and Industrial Association."

And transmitting for signature of the President the following enrolled House bills:

House bill No. 686, "An act amendatory of an act entitled 'an act for the establishment of the Agricultural and Mechanical College of Texas,' approved April 17, 1871."

House bill No. 620, "An act to incorporate the Dallas City Railroad Company."

House bill No. 669, "An act authorizing railroad companies of this State to hold meetings either of stockholders or directors beyond the limits of the State on certain conditions."

House bill No. 577, "An act to prohibit the sale or otherwise disposing of spirituous or vinous liquors within two miles of Bagdad Masonic Institute, in Williamson county, Texas."

House bill No. 367, "An act to authorize the transcript of the surveyor's records of Lampasas county."

House bill No. 670, "An act to release John Bartley from paying State, county or city incorporation tax on exhibitions of gymnastic feats and entertainments in the State of Texas."

House bill No. 655, "An act to incorporate the Society of the Sisters of Charity of Saint Vincent de Paul."

House bill No. 408, "An act to incorporate the Corpus Christi and Rio Grande Railroad Company."

House bill No. 131, "An act to incorporate the Gilmer Manufacturing Company."

House bill No. 561, "An act to incorporate the city of Corsicana in Navarro county, Texas."

House bill No. 146, "An act to legalize the official acts of I. A. Lee, of Coryell County."

House Bill No. 296, "An act to establish a ferry across the Necches River, at the old Williams Ferry Crossing, County of Cherokee."

House bill No. 343, "An act to incorporate the town of Winsborough in Wood County."

House bill No. 681, "An act authorizing the Board of Trustees of the State Blind Asylum to audit the payment of certain accounts, and making an appropriation for the same."

House bill No. 603, "An act to amend section twenty-nine of an act entitled an act to incorporate the City of Dallas in Dallas county."

Senate substitute to House bill No. 604, "An act to incorporate the Young Men's Real Estate and Building Association of Tyler, Texas."

House Bill No. 486, "An act, to establish a ferry across the Brazos River, at a convenient point three miles below the falls of the Brazos on the new Road leading from Power's School House to Bremond, in Falls County

House bill No. 484, "An act to authorize S. J. Slocomb to erect a toll bridge over Brushy creek, in Milam county."

Enrolled bills signed by the President in open session and returned to the House.

By unanimous consent, the Senate, at 10:40 A. M., took a recess until 11 A. M.

IN SENATE—11 o'CLOCK A. M.

On motion of Senator Fountain, 2000 copies of House bill No. 4, "An act to encourage stock raising and for the protection of stock raisers," were ordered printed for the use of the Senate.

On motion of Senator Ruby, the Secretary of the Senate was authorized to purchase a sufficient number of postage stamps to forward all mail matter to the members of the Senate after the recess of this body.

Senator Fountain offered the following resolution, which was adopted :

*Resolved*, That the Postmaster of the Senate be authorized to remain ten days after the recess of this body, for the purpose of taking charge of the mail matter and forwarding the same to the proper address.

The Comptroller of Public Accounts is hereby required to audit the certificate of the Secretary of the Senate for ten days' *per diem* pay of said officer, to be paid out of the contingent fund of the Senate.

Senator Parsons offered the following resolution, which was adopted :

*Resolved*, That the porters and pages of the Senate receive the sum of five dollars per day during the past session.

Senator Gaines moved to reconsider the vote by which the resolution authorizing the Secretary of the Senate to remain fifteen days after the recess of this body was passed. Carried.

Senator Gaines offered the following amendment, which was adopted: Amend by adding "the same to be paid out of the contingent fund of the Senate."

On motion of Senator Gaines, the resolution was adopted as amended.

Senator Cole moved a reconsideration of the vote by which the resolution giving the porters of the Senate \$5 *per diem* was adopted. Carried.

Senator Cole offered the following amendment, which was adopted: Amend by inserting after the word "porters" the words "and pages."

Senator Gaines moved to amend by adding "and the Second Assistant Doorkeeper \$8 00 *per diem*." Lost.

On motion of Senator Cole, the resolution was adopted as amended.

By leave, Senator Pridgen submitted the following report:

COMMITTEE ROOM,  
AUSTIN, May 23, 1871.

Hon. DON CAMPBELL.

President of the Senate:

SIR: Your Special Committee, to whom was referred the message of the Governor vetoing "An act incorporating the Casino Society of Yorktown," have duly considered the same, and I am instructed by a majority of the Committee to report the bill and message back and recommend that the Senate, upon reconsideration, do not pass the bill.

B. J. PRIDGEN,  
Chairman.

Report read and laid over under the rules.

Senator Pridgen submitted the following report of the Committee on Enrolled Bills:

COMMITTEE ROOM,  
AUSTIN, May 26, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Enrolled Bills, have examined and find correctly enrolled the following Senate bills, to-wit: No. 357, entitled "An act to incorporate the Austin Social Club;" No. 278, entitled "An act to incorporate the Waco Female College;" No. 274, entitled "An act to provide for the relief of the heirs of Charles G. Bryant, deceased;" No. 275, entitled "An act to provide for the relief of the heirs of Andrew J. Bryant, deceased;" No. 223, entitled "An act authorizing the compromise of certain suits brought by the State in the District Court of Colorado county;" No. 213, entitled "An act to prohibit the sale of intoxicating or spirituous liquors in the vicinity of Jamestown High School;" No. 23, entitled "An act to prohibit the sale of spirituous or intoxicating liquors within two miles of Johnson's Point Male and Female

Seminary;" No. 30, entitled "An act to incorporate the city of Rockport;" No. 371, entitled "An act to incorporate the Parker county Agricultural and Mechanical Association;" No. 259, entitled "An act to incorporate the Lebanon High School in Collin county, Texas;" No. 64, entitled "An act to authorize the District Attorney of the Thirtieth Judicial District to draw his salary from the date of filing his oath of office with the Secretary of State;" No. 139, entitled "An act to incorporate the Lavaca and Navidad Rivers Navigation and Dredging Company;" No. 251, entitled "An act to incorporate the Bryan Male and Female Seminary," and today at 12 o'clock M., presented them to the Governor for his approval.

B. J. PRIDGEN,  
Chairman.

Report read and received.

On motion of Senator Gaines, the use of the Senate Chamber was granted, for this evening, to Prof. Don Carlos Martino.

On motion of Senator Bowers, the Senate at 11:35 o'clock A. M. took a recess for fifteen minutes.

IN SENATE—11:50 o'clock A. M.

Senator Gaines moved to reconsider the vote by which the resolution allowing additional compensation to the Clerk of Committee on Judiciary was referred to the Committee on Retrenchment and Reform. Carried.

By leave, Senator Pridgen submitted the following report:

COMMITTEE ROOM,  
AUSTIN, May 29, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Special Committee to whom was referred the message of the Governor vetoing "An act to incorporate the Texas Savings Bank," have had the same under consideration, and I am instructed to report the message and bill back, and recommend that the Senate, upon reconsideration, refuse to pass the bill.

B. J. PRIDGEN,  
Chairman.

Report read and laid over under the rules.

Senator Pridgen submitted the following report of Committee on Enrolled Bills:

COMMITTEE ROOM,  
AUSTIN, May 23, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Enrolled Bills have examined and find



correctly enrolled, the following Senate bills, to wit: No. 222, entitled "An act making an appropriation for the mileage and *per diem* pay of the members and the *per diem* pay of the officers and employes of the Twelfth Legislature of the State of Texas;" No. 256, entitled "An act to incorporate the Board of Fund Commissioners of Trinity Conference M. E. Church South;" No. 294, entitled "An act supplementary to an act entitled 'an act to incorporate the Rio Grande Railroad Company;'" No. 359, entitled "An act to amend the first section of an act entitled 'an act for the incorporation of the city of Paris, in the county of Lamar,' approved August 10, 1870;" No. 377, entitled "An act to incorporate the Banking, Insurance and mutual Aid Association of Texas;" No. 416, entitled "An act to amend the fifth section of an act passed the first day of October, 1866, entitled 'an act to incorporate the Rio Grande Railroad Company;" and to-day, at 12 o'clock M., presented them to the Governor for his approval.

B. J. PRIDGEN,  
Chairman.

Report read and received.

Senator Hall moved that the employes of the Senate who had been granted leave of absence, be allowed *per diem* during their absence. Lost.

Senator Hall moved to reconsider the vote just taken. Lost.

On motion of Senator Parsons, the Senate, at 12:20 P. M., adjourned to 10 A. M. to-morrow.

---